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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,794	08/16/2006	Walter Wolf	016906-0485	2048
22428	7590	12/04/2007		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MILLER, SAMANTHA A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 12/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/574,794

Applicant(s)

WOLF ET AL.

Examiner

Samantha A. Miller

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/5/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-18 rejected under 35 U.S.C. 102(b) as being anticipated by AUQUIER (2002/0102935).

1. A component (10, 12), in particular hybrid component, for a device (Fig.1) for air-conditioning the inside of a vehicle, comprising a metallic basic body (para.0033) which is at least partially lined with plastic (para.0035) and the cavity of which forms a flow duct (12) for a medium flowing through it and in which at least one flow control device (42) for controlling the flow rate of the medium is integrated (0023).

2. The metallic basic body is provided with a plurality of flow openings (40) for the entry and/or exit of the medium, said flow openings being arranged laterally, centrally, at the top and/or bottom (Fig.1).

3. The flow device (42) is arranged in a transition region (18) between two flow openings (Fig.1 shows 18 between the top most opening (40) and the bottom most opening (40) the opening on the right (40) and the center opening (40)).

4. The flow control device is arranged between a central flow opening (central 40) and a lateral flow opening (opening on right 40), (Fig.1 shows 18 between the top

most opening (40) and the bottom most opening (40) the opening on the right (40) and the center opening (40)).

7. The flow control device is designed as a control flap, in particular as a rocker flap, a roller flap or a butterfly flap (it rocks and roll to open and closed positions para.0023).

8. The flow control device is assigned at least one partition (76) (para.0027).

9. The flow control device, in particular the control flap, comprises at least two deflection elements (66, 68, 70) arranged about an axis of rotation (Fig.6), one of the deflection elements being arranged displaceably between a first position completely closing the central flow opening and a second position completely opening the central flow opening (para.0023 and 0041), and the other deflection element is arranged displaceably between a third position completely closing the lateral flow opening and a fourth position completely opening the lateral flow opening (para.0023 and 0041).

10. The deflection elements (66,68,70) can be activated in a coupled manner.

11. The deflection elements being moveable symmetrically and/or asymmetrically relative to each other (Fig.6).

12. The flow control device is designed as a separate, premanufactured module (that is put in (18)).

Regarding claims 13-18, refer to the rejection of claims 1-4 and 7-12

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over AUQUIER in view of KIM (6,254,175).

AUQUIER teaches the invention described above. However, AUQUIER does not teach a relationship which the axis of rotation of the flow control device run perpendicularly or horizontally to the flow opening.

KIM teaches:

5. The axis of rotation of the flow control device (1) runs perpendicularly to the flow opening (Fig. 5).

6. The axis of rotation of the flow control device runs horizontally to the flow opening (Fig.5).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the control device of AUQUIER in view of the placement of KIM in order to have a more instantaneous response to the user modifying the airflow.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

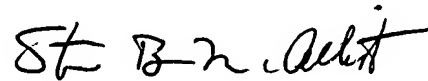
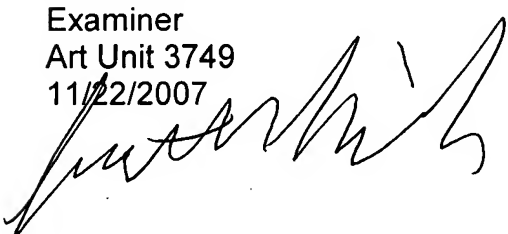
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller

Examiner

Art Unit 3749

11/22/2007



STEVEN B. MCALLISTER  
SUPERVISORY PATENT EXAMINER